

IFW



Docket No.: 64693-087

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of  
GORDON, David C. et al.

Application No.: 10/758,366

Filed: January 15, 2004

: Customer Number: 33401  
 : Confirmation Number: 5297  
 : Group Art Unit: 1614  
 : Examiner: Unknown

For: TREATMENTS FOR SNORING USING INJECTABLE NEUROMUSCULAR STIMULATORS

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: Nov. 8, 2004

JESSICA B. BROWN

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL OF POWER OF ATTORNEY

Sir:

Enclosed please find the Power of Attorney and Statement Under 37 CFR 3.73(b), for the above-referenced patent application, executed by the assignee. (A copy of the Assignment contemporaneously being filed for recordation is also attached.)

Respectfully submitted,  
MCDERMOTT, WILL & EMERY

Marc E. Brown  
Registration No. 28,590

2049 Century Park East, 34th Floor  
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Date: November 8, 2004

O87  
Snoring

Please type a plus sign (+) inside this box → **[+]**

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/758,366
Filing Date	January 15, 2004
First Named Inventor	GORDON, David C.
Title	Treatments for Snoring Using Injectable Neuromuscular Stimulators
Group Art Unit	1614
Examiner Name	Not known
Attorney Docket Number	64693-087

I hereby appoint:

Practitioners at Customer Number

33401

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I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

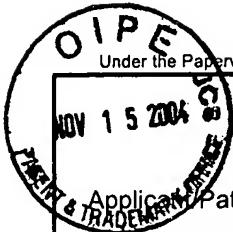
### SIGNATURE of Applicant or Assignee of Record

Name	Peter Staudhammer, Director of the Institute and Chief Operating Officer
Signature	
Date	November 2, 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 2 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Alfred E. Mann Institute for Biomedical Engineering at the University of Southern California / Patent Owner: California

Application No./Patent No.: 10/758,366 Filed/Issue Date: January 15, 2004Entitled: Treatments for Snoring Using Injectable Neuromuscular StimulatorsAlfred E. Mann Institute for Biomedical Engineering at the University of Southern California, a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 2, 2004

Date

Peter Staudhammer

Typed or printed name

Signature

Director of the Institute / COO

Title

## ASSIGNMENT (Joint Inventors)

WHEREAS, we, David C. Gordon and Gerald E. Loeb, ("ASSIGNORS") have invented "TREATMENTS FOR SNORING USING INJECTABLE NEUROMUSCULAR STIMULATORS" ("Invention") for which we filed an application for a patent ("Application") in the United States on January 15, 2004, assigned Application Serial No. 10/758,366, and for which we previously filed provisional patent application in the United States, Application Serial No. 60/440,175, filed January 15, 2003;

WHEREAS, we are the joint inventors of the Invention;

WHEREAS, Alfred E. Mann Institute for Biomedical Engineering at the University of Southern California , ("ASSIGNEE") is a corporation organized and existing under the laws of Delaware USA, having a place of business at 1042 Downey Way, DRB B21, Los Angeles, CA 90089-1112.

WHEREAS, ASSIGNEE desires to acquire the entire right, title and interest in and to the Invention and Application and to all patents based on the Application;

NOW, THEREFORE, for valuable consideration, the receipt and legal sufficiency of which ASSIGNORS acknowledges, ASSIGNORS has and hereby does assign and transfer to ASSIGNEE, its successors and assigns, the entire right, title and interest in and to:

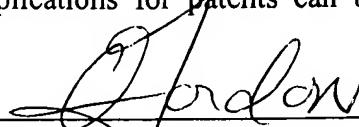
1. The Invention;
2. The Application;
3. All applications based on or claiming priority from the Application, including all divisionals and continuations ("Application Family");
4. All patents which may be granted on the Invention, Application and Application Family by the United States of America, its territories and possessions, and by all foreign countries, including all priority rights and reissues thereof ("Patents"); and
5. The right to sue for past infringement of the Invention, Application, Application Family and Patents.

ASSIGNORS agree, at the request of ASSIGNEE, to sign any and all papers reasonably needed to file and prosecute the Application and Application Family, to obtain the Patents, and to perfect and vest in ASSIGNEE the entire right, title and interest in the Invention, Application, Application Family and Patents. ASSIGNORS also agree to provide assistance that is reasonably needed to prepare and prosecute the Application and Application Family.

ASSIGNORS authorize and empower ASSIGNEE, its successors and assigns, to apply for and obtain, in its own name, the Application, Application Family and Patents before competent International Authorities, including the World Intellectual Property Organization and

in any and all foreign countries in which applications for patents can be made or patents obtained.

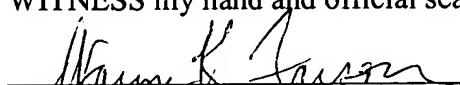
Dated: October 13, 2004

  
 Name: David C. Gordon, M.D.  
 Address: 2203 South 38<sup>th</sup> Street, Grand Forks,  
 North Dakota, USA 58201

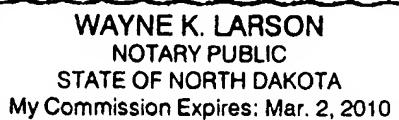
STATE OF NORTH DAKOTA )  
 ) ss.  
 COUNTY OF GRAND FORKS )

On October 13, 2004 before Wayne K. Larson personally appeared David C. Gordon, M.D.,  personally known to me or  proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
 Notary Public

(SEAL)



Dated: October 13, 2004

Name: Name: Gerald E. Loeb, M.D.  
 Address: 1642 Camino Lindo, South Pasadena  
 California, USA 91030

STATE OF CALIFORNIA )  
 ) ss.  
 COUNTY OF LOS ANGELES )

On \_\_\_\_\_, 2004 before \_\_\_\_\_ personally appeared Gerald E. Loeb, M.D.  personally known to me or  proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
 Notary Public

(SEAL)

in any and all foreign countries in which applications for patents can be made or patents obtained.

Dated: \_\_\_\_\_, 2004

Name: David C. Gordon, M.D.  
Address: 2203 South 38<sup>th</sup> Street, Grand Forks,  
North Dakota, USA 58201

STATE OF NORTH DAKOTA )  
) ss.  
COUNTY OF GRAND FORKS )

On \_\_\_\_\_, 2004 before \_\_\_\_\_ personally appeared David C. Gordon, M.D.,  personally known to me or  proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

Notary Public

Dated: Nov. 2, 2004

Gerald E. Loeb, M.D.  
Name: Name: Gerald E. Loeb, M.D.  
Address: 1642 Camino Lindo, South Pasadena  
California, USA 91030

STATE OF CALIFORNIA )  
) ss.  
COUNTY OF LOS ANGELES )

On Nov. 02, 2004 before Ellen Foon personally appeared Gerald E. Loeb, M.D.  personally known to me or  proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Ellen Foon

Notary Public

(SEAL)

